

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JUAN FELIZ,

Petitioner,

- against -

22-cv-8635 (JGK)

ALFRED MONTEFARI,

Respondent.

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ORDER


JOHN G. KOELTL, District Judge:

By letter dated October 20, 2022, the petitioner asked the Court to appoint counsel to represent the petitioner in this habeas action. ECF No. 9. The Court of Appeals for the Second Circuit has articulated factors that should guide the Court's discretion to appoint counsel to represent an indigent civil litigant under 28 U.S.C. § 1915, and these standards are useful in determining whether the interests of justice require appointing counsel for a habeas petitioner under 18 U.S.C. § 3006A(a)(2). See Hodge v. Police Officers, 802 F.2d 58, 61-62 (2d Cir. 1986); Tarafa v. Artus, No. 10-cv-3870, 2010 WL 2545769, at \*1 (S.D.N.Y. June 9, 2010). For the Court to order the appointment of counsel, the petitioner must as a threshold matter demonstrate that the petitioner's claim has substance or a likelihood of success on the merits. See Hodge, 802 F.2d at 61-62. The Court cannot determine at this point that the petition is likely to have merit. The petitioner's application

for the Court to appoint counsel is therefore **denied**. This denial is without prejudice to future applications.

**SO ORDERED.**

**Dated:** New York, New York  
November 2, 2022

  
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**John G. Koeltl**  
**United States District Judge**